IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24348 of 2005(W)

PETITIONER:

K.M. VISWANATHA PILLAI, AGED 60,
S/O. LATE CHELLAMMA PILLAI, KALAPURACKAL BANGALOW,
NADUVATTOM MURI, PALLIPPADU VILLAGE, ALAPPUZHA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:
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1. **THANKAMMA,**
   KALLARETHU VEEDU, VADAKKEKARA KIZHAKKUM MURI,
   PALLIPPADU VILLAGE, ALAPPUZHA.

2. **K. KOSHY,**
   KADAKKAL VEEDU, VADAKKEKKARA KIZHAKKUM MURI,
   PALLIPPADU VILLAGE, ALAPPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.24348/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DECREE DT. 30.11.94 .

EXT.P2:- COPY OF THE WILL DT. 10.2.95.

EXT.P3:- COPY OF THE EP. NO.153/02 DT.13.8.02.

EXT.P4:- COPY OF THE MEDICAL CERTIFICATE ISSUED FROM SMM HOSPITAL, NANGIARKULANGARA.

/TRUE COPY/

P.A. TO JUDGE

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PIUS C. KURIAKOSE, J.

W.P.(C) NO. 24348 of 2005

Dated this the 8th day of August , 2007

JUDGMENT

Even though notice was served on the 2nd respondent, the 2nd respondent has not entered appearance before this court. I find that only prayer in the writ petition is a direction to the Execution Court to expedite the execution proceedings. That being the only prayer, I am of the view that it is not necessary that the legal heirs of the deceased first respondent are impleaded in this writ petition.

2. I dispose of the writ petition directing the petitioner to take steps before the Execution Court for impleading the legal heirs of the deceased first respondent and I also direct the Execution Court to do whatever is necessary for final disposal of Execution Petition at the earliest and at any rate within six months of the impleadment of the legal heirs of the first respondent being completed.

PIUS C. KURIAKOSE,
JUDGE.

dpk